

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 97-387

FEBRUARY 6, 1998

KENNEBUNK LIGHT & POWER DISTRICT
FOX ISLANDS ELECTRIC COOPERATIVE INC.,
Application for Certificates of Public
Convenience and Necessity

NOTICE OF PROCEEDING
ORDER TO SHOW CAUSE

On October 3, 1997, Kennebunk Light & Power District (KLPD) and Fox Islands Electric Cooperative, Inc., (FIEC) filed an Application for Certificates of Public Convenience and Necessity for Purchase of Requirements-Type Service from PECO Energy Company -- Power Team (Application) pursuant to 35-A M.R.S.A. § 3133. Previously, the Hearing Examiner issued a Protective Order allowing KLPD and FIEC to designate certain pricing and other information contained in the proposals it received as confidential. See Protective Order of July 10, 1997 at ¶ 1. KLPD and FIEC have now designated the contract upon which their Application is based, the PECO bid, as confidential. While the PECO bid may technically fall within the terms of the Protective Order, a further showing of specific need for confidentiality must be made because of the centrality of the PECO bid to the Commission's review of the Application.

Public agencies are governed by the fundamental rule that the information upon which an agency bases its decision should be available to the public. Central Maine Power Company, Re: Proposed Increase in Rates, Docket No. 92-345 (II), Order Denying CMP's Appeal of Examiners' November 2, 1994 Order, Order at 1 (November 22, 1994). Basic information relating to the utility's application should be in the public domain so that no claim may be made that important information is being concealed from public scrutiny. Id. at 2. Accordingly, KLPD and FIEC are directed to make a more detailed showing as to why the PECO bid (Exhibit 4 to the October 3rd Application) should continue to be treated as confidential **by February 20, 1998.**

Pursuant to its statutory duties, the Commission will review KLPD and FIEC's Application. To present your views on KLPD and FIEC's Application, you may participate in one of two ways:

1. You may petition to intervene. If your petition to intervene is granted, you will be a party with the right to participate formally in the hearings and in negotiations. Your petition must be made in writing and must state the name and docket number of this proceeding, and the manner in which you are affected by the proceeding. Your petition must also include a short and plain statement of the nature and extent of the participation you seek, and a statement of the nature of the evidence or argument you intend to submit. **Your petition must**

be received by the Administrative Director, Public Utilities Commission, 242 State Street, Augusta, Maine 04333, no later than February 20, 1998. You must send a copy of your petition to Gordon Weil, Esquire, 3 Wade Street, P.O. Box 1990, Augusta, ME . If your petition is denied, you may still request that your name be placed on the Commission's mailing list for this case as described below. All objections to Petitions to Intervene must be received no later than February 27, 1998.

2. You may request that your name be added to the mailing list as an interested person. If your name is added to the mailing list as an interested person, you will receive notice of the time and place of any hearings, including public witness hearings, held in this case.

If you need more information about which method of participation you should choose, write to the Administrative Director at the above address or call (207) 287-3831.

This notice is being sent to the Office of the Public Advocate as well as posted on the Commission's web site.

Dated at Augusta, Maine this 6 day of February, 1998.

BY ORDER OF THE HEARING EXAMINER

Trina M. Bragdon